

Special Town Meeting, Monday, April 27, 2009

Marshfield's Annual Town Meeting was called to order on Monday, April 27, 2009 at Marshfield High School. The meeting was convened at 7:55 PM and Article 26 was voted. Annual Town Meeting was adjourned at 8:10 PM and Special Town Meeting was convened. Articles 7,10,11,13,12,3,6,5,16,18 and 19 were voted and Special Town Meeting was adjourned at 10:32PM. STM reconvened at 7:30 PM on Tuesday, April 28, 2009 and Articles 15,9,14,4,2,1,17 and 8 were voted. Special Town Meeting was adjourned and Annual Town Meeting was convened at 8:30 PM. Articles 1-6 and 33 were voted and ATM was adjourned at 10:48 PM. ATM reconvened on Thursday, April 30, 2009 at 7:30 PM. Articles 19,18,20,21,28,29,30,31,27,14,12,13,32,17,22,29,15,16,7,11,35 and 34 were voted and ATM was adjourned at 10:30 PM. Annual Town Meeting was reconvened at 7:30 PM on Monday, May 4, 2009. Articles 23,10,36,9,8,24,25 and 5 were voted. Annual Town Meeting was dissolved at 9:45 PM.

Town Meeting workers included: Kay Ramsey, Susan Flynn, Ann Lariviere, Terry Wening, Narice Casper, Paula Buckley, Madeleine Radley, Steve Barber, Barry Bartlett and Dick Lariviere. Counters in sections 1-10 were Jim Haddad, Jim Creed, Jack Cantwell, Barry Bartlett, Jean McDonald, Jack Braithwaite, Barry Cornwall, Reed Stewart, Otis Carney and Madeleine McDonald.

ARTICLE 1 The Town **VOTED** to make the following adjustments to the Fiscal Year 2009 General Fund budget line items voted as Article 6 at the April 2008 Annual Town Meeting:

Transfer from the following FY 2009 budgets:

Utilities	\$100,000
Employee Benefits:	\$268,000
Medicare:	\$110,000
General Insurance:	<u>\$134,000</u>
	\$612,000

Transfer to FY 2009 budgets:

Veterans Expenses-Benefits	\$ 69,000
Snow & Ice	<u>\$543,000</u>
	<u>\$612,000</u>

PASSED BY MAJORITY

ARTICLE 2 The Town **VOTED** to transfer the sum of \$10,000 from Article 2 of the April 2008 STM – Contractual Salary Settlement to fund a contractually required wage and classification study in the current collective bargaining contracts.

PASSED BY MAJORITY

ARTICLE 3 The Town **VOTED** to accept the provisions of Mass General Laws Chapter 33 Section 59 as amended.

PASSED BY MAJORITY

ARTICLE 4 The Town **VOTED** to appropriate \$5,000 and to fund such appropriation transfer \$5,000 from Free Cash for payment of unpaid bills incurred during the previous fiscal year.

<u>Department</u>	<u>Vendor</u>	<u>Amount</u>
Accounting	Thevenin, Lynch & Bievenue	\$5,000.00

PASSED BY 9/10 VOTE

ARTICLE 5 The Town **PASSED OVER** authorizing the Selectmen to enter into a certain land swap agreement with Mark Zych and Kacey Zych of 1119 Forest Street, Marshfield, MA. Such land swap to be in full settlement of litigation between Mark and Kacey Zych and the Town of Marshfield with respect to the ownership of a certain parcel of land located on Forest Street. All in accordance with a certain plan on file with the Town Clerk's office.

ARTICLE 6 The Town **VOTED** to appropriate \$43,500 to meet the FY2009 COLA which was not funded in the April 2008 Town Meeting articles for the Enterprise Funds by transferring \$10,288 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$9,642 from Water Retained Earnings to Water Enterprise Salaries; transferring \$7,325 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$7,735 from Wastewater Retained Earnings to Wastewater Enterprise Salaries and transferring \$5,157 from STM 04/2008 Article 2 – FY2008 Contractual Settlements and \$3,353 from Solid Waste Retained Earnings to Solid Waste Enterprise Salaries.

PASSED BY MAJORITY

ARTICLE 7 The Town **VOTED** to accept a bequest from the Shirley S. Smith Trust for the care and maintenance of the Cedar Grove Cemetery.

PASSED BY MAJORITY

ARTICLE 8 The Town **VOTED** to rescind the following unused authorizations to borrow in accordance with Chapter 44, Sections 7 and 8, the other provisions of such articles to remain in full force and effect.

Art 4, ATM 04/2007	\$ 1,000	Mower
Art 4, ATM 04/2007	\$ 158,000	Telegraph Hill drainage
Art 4, ATM 04/2007	\$ 190,000	Eames Way roof replacement
Art 16, ATM 04/2008	\$ 10,000	Library roof replacement
Art 4, ATM 04/2008	\$ 4,000	Dump truck (#160) replacement
Art 4, ATM 04/2008	\$ 21,000	Dump truck (#101) replacement
Art 4, ATM 04/2005	\$ 628,000	WWTF Building Repairs

PASSED BY MAJORITY

ARTICLE 9 The Town **VOTED** to accept Chapter 479 of the Acts of 2008 to establish an Other Post Employment Benefits Liability Trust Fund and further to transfer \$10,000 from Article 2 of the April 2008 STM – Contractual Salary Settlement fund to that fund .

PASSED BY MAJORITY

ARTICLE 10 The Town **VOTED** to transfer from Assessors' Overlay Surplus the sum of \$12,200 for the purpose of continuing to fund the cyclical inspection program required by the Department of Revenue.

PASSED BY MAJORITY

ARTICLE 11 The Town **VOTED** to authorize the Board of Public Works, on behalf of and in the name of the Town, to acquire ownership in fee simple of the below described parcel of land for the purposes of protection of the Webster Well Aquifer well field drinking water source, and to expend \$450,050 from the Water Enterprise Retained Earnings, and further to authorize the Board of Selectmen, to grant a permanent deed restriction meeting the requirements of General Laws Chapter 184 limiting the property to the purpose for which it was acquired and that the Board of Selectmen and Board of Public Works be authorized, as they deem appropriate, to enter into all agreements and execute any and all instruments necessary to effectuate the purpose of this article. Said deed restrictions may be granted to any organization qualified and willing to hold such a restriction. Said Parcel shall be subject to the provisions of Article 97 of the State Constitution. Further, will the Town authorize the Board of Public Works to accept a Drinking Water Supply Protection Grant from the State Executive Office of Environmental Affairs, the proceeds of which shall be transferred into the Water Enterprise Retained Earnings account. Town Counsel approve all plans prior to registry filing.

Portion of Lot J03-02-07 off Careswell Street, 16.17+/- acre undeveloped land for a purchase price of \$450,050, as shown on a plan on file with the Town Clerk.

PASSED BY 2/3 VOTE

ARTICLE 12 The Town **VOTED** to authorize the acquisition by eminent domain under the provisions of Chapter 79 of the Massachusetts General Laws with no land damages to be paid therefore, a certain parcel of land on the northeasterly side of Snow Road containing approximately 255 square feet, shown on a plan drawn by Stenbeck and Taylor, Inc. Marshfield, Mass. and on file with the Town Clerk's Office. Town Counsel shall approve all plans prior to filing at the registry.

PASSED BY 2/3 VOTE

ARTICLE 13 The Town **VOTED** to relocate the layout of Snow Road from Stratton Avenue to Webster Street as a Public Way under the provisions of Chapter 82 of the Massachusetts General Laws, and to authorize the acquisition of land by eminent domain necessary to such relocation under the provisions of Chapter 79 of the Massachusetts General Laws, with no damages to be paid therefore; all as shown on a plan drawn by Stenbeck & Taylor, Inc., Marshfield, Massachusetts and on file in the Town Clerk's Office, and further to transfer the discontinued portion of Snow Road as it currently exists from the custody and control of the Board of Public Works to the Board of Selectmen, a portion of such discontinuance to be dedicated to the use for public vehicular access to abutting parcels and parking, as shown on such plan. Town Counsel shall approve all plans prior to filing at the registry.

PASSED BY 2/3 VOTE

ARTICLE 14 The Town **VOTED** to authorize the Board of Public Works to take by eminent domain a drainage and utility easement, with no land damages to be paid therefor, for the purpose of installation, upgrading, reconstructing and maintaining drainage structures, and public utilities consisting of approximately 450 sq. ft. area on Assessors Parcel K10-19-01 and approximately 450 sq. ft. area on Parcel K10-19-35A as shown on a plan "Drainage and Utility Easement at Bass Creek and Ocean Street to be taken by Town of Marshfield", dated February 12, 2009 by Hoyt Land Surveying of Weymouth, MA filed with the Town Clerk.

PASSED BY 2/3 VOTE

ARTICLE 15 The Town **VOTED** to authorize the Board of Selectmen to grant a non exclusive 15 foot wide electrical utility easement to NSTAR Electric Company within the layout of Eames Way and as shown on Plan: "Plan Showing Proposed NSTAR Electrical Easement Town of Marshfield, MA" dated September 8, 2008 by Hoyt Land Surveying, Weymouth, MA and filed with the Town Clerk.

PASSED BY MAJORITY

ARTICLE 16 The Town **VOTED** to act upon the recommendation of the Community Preservation Committee to expend \$250,000 from the Community Preservation Fund established pursuant to M.G.L. Chapter 44B by transferring \$77,391 from the Budgeted Reserve and transferring \$ 172,609 from the Community Preservation Fund Balance for the purposes of the construction of a community playground at the current Library Plaza with such money to be expended for playground equipment, surfacing, landscaping and other costs associated with the construction of said playground.

PASSED BY MAJORITY / YES - 275 NO - 142

ARTICLE 17 The Town **DEFEATED** establishing a General By-Law which states the following: "The hunting of any wildlife on lands controlled by the Marshfield Conservation Commission shall be prohibited".

DEFEATED BY MAJORITY

ARTICLE 18 The Town **DEFEATED** considering the preservation and care of its natural resources, including lands to be deeded to the Town of Marshfield, the Town establish a Special Study Group or, in the alternative, Ad Hoc Committee, subject to the conditions below, to address the Matter pertaining to what is known as the Beacon 40B project proposal, now before the Commonwealth of Massachusetts, Superior Court, Civil Division under docket PLCV07-1280B.

The Study Group, or Committee shall consist of five members, two appointed by the Moderator and three provided by the "Residents Group" in the above referenced matter. The Committee shall be continue unimpeded by any Board or other Committee in the Town; report to the next Special Town Meeting and be subject to reauthorization of a subsequent Special Town Meeting. The Committee shall convene as soon as practicable and as soon as a quorum is in place, after the close of the Special Town Meeting. The Committee shall perform in an advisory capacity, to ensure the open disclosure of efforts and spending. The Committee shall conduct open meetings as needed on the status and progress of any litigation and technical matters relating to wildlife habitat protection and related subjects, connected to the above referenced Matter and resulting from 1) Any Remand ordered by the Superior Court, and 2) The ongoing monitoring of the subject proposed development project.

The Committee and efforts shall be supported by the appropriation of \$20,000 raised from the Free Cash. Said funds to be used to support the costs of litigation and consulting fees in any potential Remand in the above referenced Matter and in full and complete cooperation with, the "Ten Residents" of the Matter.

Invoices for technical and litigation support shall be submitted to and paid by the Town Treasurer following review and approval of the Committee.

DEFEATED BY MAJORITY / NO – 168 YES – 141

ARTICLE 19 The Town **DEFEATED** that the Airport Commission shall consist of seven (7) members. A minimum of 5 members shall live within 1,500 feet of the airport runway, or below and within the approach and take-off zones for the runways defined by the areas extending 2 miles from the ends of the runways and bounded by the extended lines of the Runway Protection Zones (RPZ's) as defined by applicable federal regulations. The Airport Commission shall appoint and maintain a permanent Citizen's Advisory Committee of seven (7) members to be appointed on a schedule parallel to that of the Commissioners.

DEFEATED BY MAJORITY / NO – 147 YES – 116